

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

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UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 2:18-cr-20005-SHL-14
	)	
KISHA JACKSON,	)	
	)	
Defendant.	)	

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**ORDER ADOPTING REPORT AND RECOMMENDATION AND  
GRANTING DEFENDANT’S MOTION TO SUPPRESS**

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Before the Court is Magistrate Judge Tu M. Pham’s (“Magistrate Judge”) Report and Recommendation (“R&R”), filed February 28, 2019, (ECF No. 554), recommending that the Court grant Defendant Kisha Jackson’s Motion to Suppress, filed February 7, 2019, (ECF No. 510). The Court referred the Motion to the Magistrate Judge on February 12, 2019. (ECF No. 516.) For the reasons stated herein, the Court **ADOPTS** the R&R and **GRANTS** the Motion.

A magistrate judge may submit to a judge of the court proposed findings of fact and recommendations for a motion to suppress evidence. 28 U.S.C. § 636(b)(1)(A)–(B). “Within 14 days after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations.” Fed. R. Civ. P. 72(b)(2); see also 28 U.S.C. § 636(b)(1) (2017). A district court reviews de novo only those proposed findings of fact or conclusions of law to which a party specifically objects. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

The Government has not filed any objections to the R&R, and the deadline to do so has now passed. In fact, the Government stated in its Response to the Motion that it did not oppose the Motion. (ECF No. 523.)

The R&R reads like an essay response to a hypothetical on a law school criminal procedure exam and recommends that the Court grant the Motion. The R&R states that, despite Ms. Jackson's clear and unambiguous request for a lawyer when federal agents searched her home pursuant to a warrant on September 11, 2017, federal agents nevertheless re-initiated questioning an hour later and interrogated her without an attorney present, only for her to execute a Miranda waiver later. (ECF No. 554 at PageID 1110.) See U.S. Const. amend. V; Davis v. United States, 512 U.S. 452, 459 (1994); Edwards v. Arizona, 451 U.S. 447, 482 (1981); Miranda v. Arizona, 384 U.S. 436, 470 (1966); United States v. Villa-Castaneda, No. 18-5136, 2018 WL 5817074, at \*3 (6th Cir. Nov. 6, 2018); Berry v. Warden, S. Ohio Corr. Facility, 872 F.3d 329, 333 (6th Cir. 2017); Weissert v. Palmer, 699 F. App'x 534, 540 (6th Cir. 2017); United States v. Ray, 632 F. App'x 260, 262 (6th Cir. 2016); Bachynski v. Stewart, 813 F.3d 241, 246 (6th Cir. 2015) (citing Smith v. Illinois, 469 U.S. 91, 94–95 (1984) (per curiam)); Rogers v. Kerns, 485 F. App'x 24, 30 (6th Cir. 2012); United States v. Webb, 755 F.2d 382, 390 (5th Cir. 1985). The Court has reviewed the Report for clear error and finds none. Therefore, the Court hereby **ADOPTS** the R&R and **GRANTS** Ms. Jackson's Motion to Suppress.

**IT IS SO ORDERED**, this 18th day of March, 2019.

s/ Sheryl H. Lipman  
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SHERYL H. LIPMAN  
UNITED STATES DISTRICT JUDGE